

Message Text

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ACTION IO-13

INFO OCT-01 EUR-25 ADP-00 EB-11 OIC-04 AF-10 ARA-11 EA-11

NEA-10 RSC-01 CAB-09 CIAE-00 COME-00 DODE-00 INR-10

NSAE-00 FAA-00 PM-09 H-02 L-03 NSC-10 PA-03 PRS-01

SS-14 USIA-12 RSR-01 DOTE-00 /171 W

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R 301822 Z MAR 73

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC 3065

C O N F I D E N T I A L MONTREAL 0640

FROM US REP ICAO

E. O. 11652: GDS

TAGS: ETRN, CA

SUBJ: ICAO ASSEMBLY RESOLUTION 19-2 - EXPULSION OF PORTUGAL

1. RE C/ WP 5745 COUNCIL ENDED DIFFICULT THREE- MEETING DELIBERATION RE IMPLEMENTATION ASSEMBLY RESOLUTION AGAINST PORTUGAL, BY ADOPTING FOLLOWING AMENDED PARA 4 OF WORKING PAPER " COUNCIL AUTHORIZES THE SECRETARY GENERAL TO IMPLEMENT RESOLUTION 19-2 IN THE SAME MANNER AS 18-4 WAS IMPLEMENTED." (18-4) AGAINST SOUTH AFRICA).

VOTE WAS 14 FOR, NONE AGAINST, 13 RECORDED ABSTENTIONS.
(U. S., UK, CANADA, AUSTRALIA, JAPAN, GERMANY, ITALY, NORWAY, FRANCE, SPAIN, NETHERLANDS, BRAZIL, MEXICO).

SENEGAL, ACTING PRESIDENT/ COUNCIL DECIDED AFTER VOTE NOT TO PARTICIPATE. BELGIUM ABSENT. ONE COUNTRY NON- PARTICIPATING.

2. DISCUSSION BECAME ACTIVE AFTER EUROPEAN CAUCUS LED BY FRANCE DECIDED (A) AFRICANS DID NOT HAVE STATUTORY MAJORITY (16);
(B) THERE ARE SERIOUS LEGAL IMPLICATIONS COUNCIL OPPOSING ASSEMBLY RESOLUTION, AND (C) SINCE U. S., FRANCE, NICARAGUA ONLY VOTES AGAINST 18-4 TWO YEARS AGO - ADVISABLE EVERYONE ABSTAIN, BUT
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NOT REPEAT NOT REQUEST STATUTORY.

3. TEN OR TWELVE STRONG STATEMENTS CONCERN ABSTENTION OBVIOUSLY BEGAN WORRY THREE AFRICANS AND SENEGAL IN THE CHAIR. NICARAGUA COULDN' T RESIST AND STRONGLY IMPLIED HE WAS GOING TO REQUEST STATUTORY UNLESS HE RECEIVED SOME ANSWERS TO QUESTIONS: (A) WASN' T 19-2 A " SANCTION"; (B) WHEN A RESOLUTION WAS IN CONFLICT WITH CONVENTION, WHICH TOOK PRIORITY; (C) IS COUNCIL LEGALLY OBLIGATED TO CARRY OUT ASSEMBLY RESOLUTIONS?

THIS LED TO ADJOURNMENT 6:30 P. M. MARCH 28.

5. EUROPEANS IMMEDIATELY APPEALED TO US. REP TO INFLUENCE NICARAGUA NOT TO PRESS STATUTORY MAJORITY. THIS ACCOMPLISHED EASILY SINCE NICARAGUAN REP. SAID HE ONLY WANTED " SCARE" AFRICANS WHO ARE FREQUENTLY USING STATUTORY TOOLS TO ADVANTAGE.

6. COUNCIL MEETING MARCH 29 PROVIDED

(A) DIRECTOR, LEGAL BUREAU' S " ANSWERS" TO NICARAGUA' S QUESTIONS: COUNCIL OBLIGED UNDER 54(B) CHICAGO CONVENTION CARRY OUT ASSEMBLY RESOLUTIONS EXCEPT SOME LEEWAY IN HOW IMPLEMENTED; MAY OR MAY NOT BE " SANCTION" DEPENDING ON ONE' S DEFINITION OF SANCTION; AVOIDED QUESTION OF RESOLUTIONS INCONSISTENT WITH CONVENTION. WELL- PREPARED STATEMENT.

(B) ACTING COUNCIL PRESIDENT' S SUGGESTION FOR AMENDING ACTION PARA 4 OF C/ WP-5745 TO READ AS ADOPTED.

(C) NICARAGUA INDICATED SINCE NO CHOICE BUT TO IMPLEMENT, HE HAD " NO PREFERENCE FOR MODE OF VOTING."

7. APPARENT FROM VOTE AFRICANS DID NOT HAVE NEAR STATUTORY MAJORITY.

8. AT REQUEST TRINIDAD/ TOBAGO, AT TOP PAGE 10 IN APPENDIX C OF WORKING PAPER, CAR/ SAM WAS ADDED TO LIST EXCEPTIONS. ALTHOUGH TRINIDAD/ TOBAGO STRONGLY SUPPORTED RESOLUTION AGAINST PORTUGAL, WAS QUICK TO ASK THAT TECHNICAL AIRNAV PUBLICATIONS FOR HIS OWN REGION BE PROVIDED PORTUGAL. TOPPING

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*** Current Classification *** CONFIDENTIAL

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